

Amendment Under 37 C.F.R. §1.111
Application No. 10/542,017
Attorney Docket No. 052738

REMARKS

Claims 1-4 and 6-26 are currently pending. Claims 1, 10 and 13 are amended. Claim 26 newly is added. Support for the amendment to claim 1 may be found in the specification as originally filed, for example, page 16, line 12. Support for new claim 26 may be found in the specification as originally filed, for example, page 20, lines 12-15.

I. Claim Objections

Claim 10 is objected as containing "informalities." The Examiner requests that the term "linearly" be rewritten as "linear" to conform to the language in parent claim 8.

Claim 10 has been amended for clarity as requested. In view thereof, it is requested that the objection to claim 10 be reconsidered and withdrawn.

II. The Rejection under 35 U.S.C. 112

Claims 1-4 and 6-19 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i. Claim 1

The Examiner alleges that independent claim 1 recites a stilbene that is not a derivative of stilbene, and an azobenzene that is not a derivative of azobenzene. The Examiner states that it is unclear if substitution of the hydrogens by heteroatoms such as halogens, qualifies as derivatization and requests clarification.

Claim 1 has been amended for clarity to recite the chemical formula for stilbene and azobenzene.

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ii. Claim 13

The Examiner states that it is clear from the specification (page 35, lines 14-23 and page 50, lines 5-10) that each of the two "layers" refer to a respective broadband cholesteric liquid crystal film obtained using the method described above, wherein the respective selective reflection wavelength bands of polarized light are superimposed on each other. However, the Examiner states that the present language of claim 13 is not clear.

Claim 13 has been amended for clarity.

For the above reasons, it is respectfully submitted that Applicants' claims are clear and definite and it is requested that the rejection under 35 U.S.C. §112 be reconsidered and withdrawn.

III. The Rejection Based on Hikmet

Claims 1, 3-4 and 6-7 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Hikmet (US 5,798,057).

Claims 2, 8-9, 11-12 and 24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hikmet as applied to claims 1, 3-4 and 6-7 above, and further in view of Verrall (US 6,099,758).

Claim 10 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hikmet in view of Verrall, as applied to claims 2, 8-9, 11-12 and 24 above, and further in view of Cobb (US 6,515,785).

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Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Hikmet, alone or in view of the secondary references, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

The Examiner alleges that Hikmet discloses the cholesteric liquid crystal film of the present invention. While the Examiner further alleges that Hikmet discloses the polymerizable chiral agent (b) of the present invention, claim 6 of Hikmet recites that the chiral compound is "without a polymerization group (i.e., non-reactive)." That is, the present invention and the teachings of Hikmet are different in that while the present invention employs a polymerizable chiral agent (b), the chiral compound used in Hikmet is "non-reactive." Hikmet does not disclose or render obvious the polymerizable chiral agent (b) of the present invention. And, thus, Hikmet does not disclose or render obvious discloses materials for forming the subject cholesteric liquid crystal film.

Further, claim 1 recites a reflection bandwidth of 400 nm or more. On the other hand, 300 nm is the maximum reflection bandwidth in Hikmet, as shown in Fig. 5. The reflection bandwidth of 400 nm or more, which is not specified in Hikmet, can be realized in claim 1 of the present application due to the use of different materials for forming the cholesteric liquid crystal film.

As to new claim 26, the proportion of the "non-reactive chiral compound" described in Hikmet (which are only described in the Examples) is beyond the claimed range and the non-reactive a chiral compound is also contained at a considerably higher amount. The present

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invention is also patentably distinct in this regard.

The secondary references, Verrall and Cobb do not overcome the deficiencies in the primary reference Hikmet discussed above.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-4, 6-12, 24 and 26 is neither taught by nor made obvious from the disclosures of Hikmet, either alone or in combination with Verrall or both Verrall and Cobb, and it is requested that the rejections under 35 U.S.C. §§102 and 103(a) be reconsidered and withdrawn.

IV. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the objection to the claims, the rejection under 35 U.S.C. §112 and the rejections under 35 U.S.C. §§102 and 103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



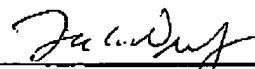
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Amendment under 37 C.F.R. §1.111 (12 pages) is being formally transmitted via the USPTO Central Fax No. 571-273-8300 on December 10, 2007.



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